



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/864,018 | 05/23/2001 | James Taylor McVeigh | 27DV00102 | 9982 |

7590 04/28/2005

General Electric Company
3135 Easton Turnpike - W3C
Fairfield, CT 06431

| |
|----------|
| EXAMINER |
|----------|

VIG, NARESH

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3629

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|----------------------------------------------|--|
| Office Action Summary | Application No. 09/864,018 | Applicant(s) MCVEIGH, JAMES TAYLOR | |
| | Examiner Naresh Vig | Art Unit 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>08062001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apgar US Patent 5680305 in view of Hampar et al. US Patent 7,764,459 hereinafter known as Hampar.

Regarding claims 1 and 10, Apgar teaches system and method for evaluating cost and occupancy efficiency of real estate (to provide objective evaluations of a business entity's real estate situation). Apgar teaches to run on computer system, it obvious that computer systems have storage medium to store computer program to make the computer function as designed in the computer program. Apgar teaches:

entering into a computer system the size, rental costs and total occupancy information for a given property, as well as location information (design choice to decide what data will be used to perform analysis, apgar teaches "The user inputs typically correspond to information about the Business Entity and the real estate [col. 15, lines 41 – 42];

calculating values of cost efficiency and occupancy efficiency [Fig. 19 and disclosure associated with Fig. 19];

providing a point of comparison by determining from a lookup table the representative values for cost efficiency and occupancy efficiency for a property in the location of the given property (design to decide what data is used for performing evaluation) [Fig. 19 and disclosure associated with Fig. 19];

Apgar does not teach displaying on a chart, which plots cost efficiency and occupancy efficiency against one another (design choice to decide what values to be plotted against one another on the chart), a point whose co-ordinates represent said calculated values, the chart comprising four quadrants delineated by the lines parallel with the axes of the chart and which pass through the point of comparison (design

Art Unit: 3629

choice deciding what data is plotted on the chart, what labels are assigned to the chart).

However, Hampar teaches system and method for displaying on a chart, which plots values against one another, a point whose co-ordinates represent said calculated values, the chart comprising four quadrants delineated by the lines parallel with the axes of the chart and which pass through the point of comparison [Hampar, Fig. 1 and disclosure associated with Fig. 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Apgar as taught by Hampar display the scattered data to visualize the data to illustrate relationship between two variables, illustrate clear trend in data etc.

Regarding claim 2, Apgar in view of Hampar teaches cost efficiency is calculated in terms of rental cost per unit area per unit time, and occupancy efficiency is calculated in terms of unit area per occupant (design choice for deciding what data to use for evaluation).

Regarding claim 3, Apgar in view of Hampar teaches point of comparison is placed substantially centrally in the displayed chart, thereby providing four quadrants of substantially equal areas [Hampar Fig. 1 and disclosure associated with Fig. 1].

Regarding claim 4, Apgar in view of Hampar teaches the quadrants represent a first area where both the cost efficiency and occupancy efficiency are better than the

Art Unit: 3629

values represented by the point of comparison, second and third areas where either the cost efficiency or the occupancy efficiency are worse than the averages represented by the point of comparison, and a fourth area where both the cost efficiency and the occupancy efficiency are worse than the averages represented by the point of comparison (design choice to decide how to label the chart and plot the data according to the labeled chart).

Regarding claim 5, Apgar in view of Hampar teaches representative values are average values (design choice to decide what values to use plotting the chart).

Regarding claim 6, Apgar in view of Hampar teaches representative values are average values (design choice to decide what values to use plotting the chart).

Regarding claim 7, Apgar in view of Hampar teaches representative values are average values (design choice to decide what values to use plotting the chart).

Regarding claim 8, Apgar in view of Hampar teaches representative values are average values (design choice to decide what values to use plotting the chart).

Regarding claim 9, as responded to earlier in response to claim 1, Apgar teaches a computer system for evaluating cost and occupancy efficiency of real estate. Apgar teaches:

Art Unit: 3629

means for receiving and displaying information comprising size, rental costs and total occupancy information for a given property, as well as location information;

means for calculating values of cost efficiency and occupancy efficiency;

means for providing a point of comparison by determining from a lookup table the representative values for cost efficiency and occupancy efficiency for a property in the location of the given property; and

Apgar does not teach means for displaying on a chart, which plots cost efficiency and occupancy efficiency against one another, a point whose co-ordinates represent the calculated values, the chart comprising four quadrants delineated by the lines parallel with the axes of the chart and which pass through the point of comparison. However, Hampar teaches system and method for displaying on a chart, which plots values against one another, a point whose co-ordinates represent said calculated values, the chart comprising four quadrants delineated by the lines parallel with the axes of the chart and which pass through the point of comparison [Hampar, Fig. 1 and disclosure associated with Fig. 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Apgar as taught by Hampar display the scattered data to visualize the data to illustrate relationship between two variables, illustrate clear trend in data etc.


Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig
Examiner
Art Unit 3629

April 25, 2005